

36087

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Angelo T. DONFRANCESCO et al.

Serial No.: 09/105,150

Filed: June 26, 1998

For: TERMINAL SYSTEM WITH
DEFORMED SCREW

PATENT

Group Art Unit: 2833

Examiner: NGANDJUI, A.



REQUEST FOR RECONSIDERATION

Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated October 28, 1999, reconsideration of the application is requested.

Claims 1,4-16 and 18 are pending in the application, with claims 1, 11 and 16 being independent.

Applicants' representative thanks Examiners Bradley and Ngandjui for the courtesies extended during the January 6, 2000 personal interview. As agreed during the January 6 personal interview, this Request for Reconsideration discusses the applicants' traversal of the Examiners' rejection of the claims and the agreement reached at the personal interview to withdraw the October 28, 1999 final rejection in view of applicants' traversal.

Drawings

Formal drawings were submitted on May 14, 1999. No comment on the formal drawings, and no Notice of Draftperson's patent drawing review, PTO 948 has been provided with either the June 4, 1999 or the October 28, 1999 Office Action. Approval of the formal drawings is requested.

Rejections under 35 U.S.C. §103

Claims 1, 4-16 and 18 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent 3,340,497 to Balint in view of Examiner official notice. The Examiner official notice alleges that it is known "to strike the end of a screw in order to core the bottom of the screw to prevent it from backing up." Applicants respectfully traverse this rejection.

As discussed and agreed during the January 6, 2000 personal interview, the Examiners' official notice alleged in the October 28, 1999 Official Action does not contain sufficient detail from which applicants can formulate a response. More particularly, the stated official notice does not present any detailed description and/or drawings addressing the size, shape and location of the alleged stake, nor is the environment of the alleged stake described in sufficient detail to enable the applicants to formulate a response. Furthermore, the official notice does not describe in any detail whether the alleged stake is on a circular screw end, whether the circular screw end is planar, and whether the stake extends along a chord of a circular screw end. It was also discussed and agreed during the January 6 personal interview that Examiner Ngandjui did not have personal knowledge of the alleged stake in this country prior to the filing date of

this application, and therefore, would be unable to establish "prior art" meeting the requirements of 35 U.S.C. §102(a). Since the Examiners agreed to withdraw the official notice portion of the October 28, 1999 Office Action, as well as the finality of the Office Action, no request for an affidavit pursuant to M.P.E.P. § 2144.03 appears necessary.


Balint teaches a deformation 35 extending only along the external longitudinal surface of the shank 8. It was also agreed during the January 6 personal interview that Balint does not disclose, teach or render obvious the claimed stake extending on the circular and planar end of the shank along a chord of the second end, as discussed in Applicants' Amendment filed August 24, 1999.

For at least the reasons set forth above and in the August 24, 1999 Amendment, Applicants respectfully submit that claims 1, 4-16 and 18 are allowable. Prompt and favorable action is solicited.



Respectfully submitted,

Dated: Jan 21, 2000


Mark S. Bicks
Reg. No. 28,770

Roylance, Abrams, Berdo & Goodman, L.L.P.
1225 Connecticut Avenue, N.W., Suite 315
Washington, D.C. 20036
(202) 659-9076

TO: J. L. ROCH
JAN 21 2000
1225 CT AVENUE
WASHINGTON, D.C. 20036